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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

ALLSTATE INSURANCE,

Plaintiff,

vs.

MARK DANIEL DAVIS, et al.

Defendants.

CIVIL NO. 04-CV-418

EX-PARTE MOTION FOR LEAVE
TO FILE INTERVENORS'
SUPPLEMENTAL
MEMORANDUM IN OPPOSITION
TO PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND
AMENDED SUPPLEMENT TO
INTERVENORS' CONCISE
STATEMENT OF FACTS;
DECLARATION OF JOY A. SAN
BUENAVENTURA; EXHIBIT "A";
CERTIFICATE OF SERVICE.

Hearing: January 30, 2006

Time: 10:30 a.m.

Judge: Hnr. Alan C. Kay

**EX-PARTE MOTION FOR LEAVE TO FILE INTERVENORS'
SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT AND AMENDED SUPPLEMENT
TO INTERVENORS' CONCISE STATEMENT OF FACTS**

Comes now Intervenor GEORGE and TUMATA TADEO, by and through
their attorney, JOY A. SAN BUENAVENTURA, and hereby moves this court for

an order allowing for the attached supplemental pleading to be filed and an order retroactively allowing for the Amended Supplement to Intervenor's Concise Statement of Facts to be filed on March 10, 2006. This ex-parte motion is based upon Rule 7.4 of the Local Rules of Practice of the United States District Court of the District of Hawaii, the documents attached hereto and the documents on file herein.

DATED: Hilo, Hawaii, __March 22, 2006__.

/s/Joy A. San Buenaventura
JOY A. SAN BUENAVENTURA

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

ALLSTATE INSURANCE,

Plaintiff,

vs.

MARK DANIEL DAVIS, et al.

Defendants.

CIVIL NO. 04-CV-418

DECLARATION OF JOY A. SAN
BUENAVENTURA; EXHIBIT "A".

Hearing: January 30, 2006

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DECLARATION OF JOY A. SAN BUENAVENTURA

1. The issues raised in this case are uncommon; and in the Supplemental Memorandum attached hereto as Exhibit A, I have not repeated the arguments made in the Memorandum in Opposition filed herein.
2. Moreover, I have found 1 case that was only available in the Hilo Law Library except through Lexis recently: *Allstate v. Barron*, 2004 Conn. Lexis 212. Attached as Exhibit A is a true and correct copy of the Supplemental Memorandum that I intend to file if this court grants me leave to do so; and it addresses this recent case.
3. The Amended Supplement to Intervenor's Concise Statement of Facts addressed and included the Deposition of Mark Davis, Jr. and the opinion of Harold V. Hall, both of which were acquired after Intervenor's filed its initial

Concise Statement of Facts; and thus, necessitating the need to file the supplement to Intervenor's Concise Statement of Facts.

4. I attest that the foregoing is true and correct.

DATED: Hilo, Hawaii, March 22, 2006.

/s/ Joy A. San Buenaventura_____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 22, 2006, a true and correct copy of the foregoing was duly served upon the following by delivering in the following manner at their last known address:

Served Electronically by CM/ECF

Richard B. Miller rmiller@tmp-hawaii.com on March 22, 2006

Keith K. Hiraoka khiraoka@rlhlaw.com on March 22, 2006.

Served by U.S. Mail

Ellen Pearl Davis, PO Box 38754, Detroit, MI 48238 on March 22, 2006

DATED: Hilo, Hawaii, March 22, 2006.

/s/ Joy A. San Buenaventura
JOY A. SAN BUENAVENTURA